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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,213	06/22/2000	KIYOSHI NISHIO		1409

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FELIX J D'AMBROSIO  
JONES TULLAR & COOPER  
P O BOX 2266 EADS STATION  
ARLINGTON, VA 22202

EXAMINER	
DUNWOODY, AARON M	
ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,213

Applicant(s)

NISHIO, KIYOSHI

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4,6,7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,6,7 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                            | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 4, 6, 7 and 10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent 5996636, Fukano et al.

In regard to claim 10, in figures 6 and 7, Fukano et al discloses a pipe joint made of resin, comprising a sleeve-like inner ring which is to be pressingly inserted into one end portion of a pipe member to be integrated with the pipe member under a state where the inner ring is outward protruded in an axial direction from one end portion of the pipe member; a joint body in which a cylindrical receiving port is formed in one end portion, an insertion portion of the pipe member into which the inner ring is pressingly inserted being to be inserted into the receiving port; and a pressing ring which is to be screwed to the one end portion of the joint body, presses the inner ring from an outer

side of the pipe member by means of screw advancement toward the one end portion of the joint body, to cause a projected tip end portion of the inner ring to abut against an inner area of the receiving port of the joint body, thereby forming a sealing portion, wherein, an inner radial face of the projected tip end portion of the inner ring is formed as a conical tapered face in which a diameter is larger when further moving toward an outer side in the axial direction of the inner ring, a cylindrical groove is formed in an inner area of the receiving port of the joint body, the projected tip end portion of the inner ring including the conical tapered face being fitted in the axial direction in the cylindrical groove, and the cylindrical groove cooperates with the conical tapered face to form a secondary sealing portion, and with a place on a side of an outer radial face of the projected tip end portion to form a primary sealing portion, the inclination angle of the conical tapered face of the projected tip end portion of the inner ring with respect to the axis is set to 5 to 20°, and a cylindrical portion which abuts against an inner peripheral face of a cylindrical portion on an inner radial side of the cylindrical groove of the joint is formed integrally with an inner radial side of the projection tip end of the inner ring, an outer peripheral face of the cylindrical portion abutting against the inner peripheral face of the cylindrical portion on the inner radial side to form a tertiary sealing portion.

In regard to claim 4, in figures 6 and 7, Fukano et al discloses one or plural projections being projected in a radially outward direction and abut against an inner peripheral face of the receiving port of the joint body to form the sealing portion being disposed on the outer radial face of the projected tip end portion of the inner ring.

In regard to claim 6, in figures 6 and 7, Fukano et al discloses the outer radial face of the projected tip end portion of the inner ring being formed as a conical tapered face in which a diameter is smaller as further moving toward an outer side in the axial direction.

In regard to claim 7, in figures 6 and 7, Fukano et al discloses the outer radial face of the projected tip end portion of the inner ring on which the projections being formed being formed as a conical tapered face in which a diameter is smaller as further moving toward an outer side in the axial direction.

In regard to claim 9, in figures 6 and 7, Fukano et al discloses a cylindrical portion abutting against an inner peripheral face of a cylindrical portion on an inner radial side of the cylindrical groove of the joint body being formed integrally with an inner radial side of the projected tip end portion of the inner ring on which the projections are formed.

### ***Response to Arguments***

Applicant's arguments, filed 2/20/03, with respect to claims 4, 6, 7 and 10 have been fully considered and are not persuasive. The applicant argues:

**FUKANO** discloses a joint which sealing against internal fluid is formed only by the primary sealing portion, and fails to ***teach or suggest the secondary and tertiary sealing portions.***

The examiner disagrees. The disclosure of the instant application recites, "the secondary sealing portion 7B is formed by abutting the tapered faces 8a and 10b against each other", and "a tertiary sealing portion 7c may be formed by the abutment of

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an outer peripheral face 17a of the cylindrical portion 17 and the inner peripheral face 10a of the inner radial side cylindrical portion 10." However, Fukano et al recites:

In this embodiment as best shown in FIG. 6, the top surfaces of the second projections 62a, 62b of the annular recess 42 and the wall surface 60 of the annular projection 34 are in a noncontact state. The second projections 62a, 62b are pressed in a direction indicated by arrows E in accordance with the action of the pressurized fluid flowing through the through hole 12, and the second projections 62a, 62b linearly contact with the wall surface 60 of the annular projection 34. Thus, the annular recess 42 is prevented from invasion of the pressurized fluid thereinto (see FIGS. 6 and 7). Each of the second projections 62a, 62b is formed to have a trapezoidal cross section, in the same manner as the first projections 46a to 46c.

This means that FUKANO et al discloses a joint which sealing against internal fluid being formed by the primary sealing portion, secondary and tertiary sealing portions as required by claim 1 of the instant application.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd   
March 7, 2003

  
**ERIC K. NICHOLSON**  
**PRIMARY EXAMINER**